

REMARKS/ARGUMENTS

The Office Action of June 9, 2004 has been carefully considered.

It is noted that claims 3 and 4 are rejected under 35 U.S.C. §112, second paragraph.

Claims 3 and 4 are also rejected under 35 U.S.C. §102(b) over ES 2,101,612.

In view of the Examiner's rejections of the claims, applicant has amended independent claim 3.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant wishes to point out that the claim only recites one handle, namely the cutting wheel handle. In any event, applicant has amended line 12 of claim 3 to recite that the handle is the cutting wheel handle.

In view of these considerations, it is respectfully submitted that the rejection of claims 3 and 4 under 35 U.S.C. §112, second paragraph, is overcome and should be withdrawn.

It is further respectfully submitted that the claims now on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the reference.

Turning now to the reference, it can be seen that ES '612 discloses a machine for cutting planar pieces of ceramic. Although this reference teaches some features which are similar to those found in the present invention, it does not disclose a cutting wheel handle that has at least three rebates that extend longitudinally over substantially the entire length of the cutting wheel handle, as in the presently claimed invention. The cross-section of Fig. 5 of ES '612 gives no indication, nor does the written description, that the grooves 32 extend for any significant length. Even looking at Fig. 1 of ES '612 would not lead to grooves that extend the entire length of the element 30. The grooves 32 would be in the smaller diameter portion of the element 30 which is shown in dashed lines in Fig. 1, which portion is mounted in bearing 33. Since the description of ES '612 states that the recesses 32 and the protruding part 31 are coupled together to mount to the cutting tool shaft 30 to the bearing 33 of the sliding support 1, there is no reason to believe that the recesses extend along the entire element 30. Clearly then the recesses 32 would only extend along the smaller diametered portion of the cutting tool shaft 30. There is no disclosure nor would it be obvious to extend the grooves 32 along the entire length of the shaft 30 since

there would be no point in having the grooves in the remainder of the shaft 30 based upon the teachings found in the reference.

Thus, since ES '612 only discloses grooves or rebates 32 that extend along a small portion of the length of the cutting tool shaft, there is no disclosure of rebates which extend substantially along the entire shaft, nor is there any motivation found in this reference for extending the grooves along the entire shaft since such an extension would be unnecessary for the purposes of the groove 32 in the reference.

Furthermore, since the reference also is owned by the Assignee of the present application, applicant was aware of the existence of this reference and the present invention is intended to improve upon this prior art. As is stated in the specification of the present application, the objective of the present invention is to reduce the vibration of the cutting wheel handle. Such vibrations are present in ES '612 and are intended to be done away with by the presently claimed invention.

The grooves 32 and protrusions 31 of the ES '612, as mentioned previously, serve the purpose of positioning the tool handle 6 relative to the support 1 and prevent the handles from turning in the support so that the cutting tool is held in the proper orientation. There is no disclosure, also as mentioned previously, of longitudinally extending rebates that extend along the entire length of the sleeve, as in the presently claimed invention so as to reduce the inertia and a section of the tool handle, thereby reducing its frequency of vibration. The invention thus gives a greater quality of the score line on the tile, a longer useful working life of the roller and a control of the resonance frequency to prevent or reduce to a considerable degree the transmission of vibrations produced during cutting to the rest of the cutting machine assembly. A construction as recited in the claims presently on file and which accomplishes the above discussed objectives is not disclosed by ES '612.

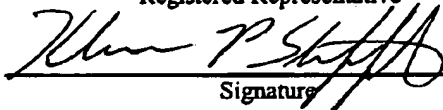
In view of these considerations, it is respectfully submitted that the rejection of claims 3 and 4 under 35 U.S.C. §102(b) over the above discussed references overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 29, 2004:

Klaus P. Stoffel

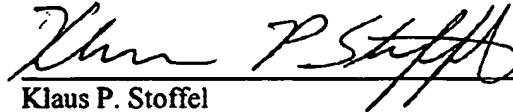
Name of applicant, assignee or
Registered Representative


Signature

September 29, 2004

Date of Signature

Respectfully submitted,



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